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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,451	11/14/2006	Jim Craigie	055328/399162	1201
826	7590	07/06/2011	EXAMINER	
ALSTON & BIRD LLP			WRIGHT, BRYAN F	
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101 SOUTH TRYON STREET, SUITE 4000			ART UNIT	PAPER NUMBER
CHARLOTTE, NC 28280-4000			2431	
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			07/06/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/568,451	CRAIGIE, JIM	
	<b>Examiner</b>	<b>Art Unit</b>	
	BRYAN WRIGHT	2431	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 18 April 2011.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-6, 10 and 12-166 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-6, 10 and 12-16 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                              |                                                                   |
|--------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                             | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|                                                                                                              | 6) <input type="checkbox"/> Other: _____ .                        |

## **FINAL ACTION**

1. This action is in response to amendment filed on 4/18/2011. Claim 7 is cancelled.  
Claims 1-6, 10 and 12-16 are pending.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Currently, claim 16 are drawn to a "computer product". The office considers a computer product to be non-statutory subject matter if the computer product is not coupled to hardware (e.g., storage medium or computer).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6, 10, and 12-16 rejected under 35 U.S.C. 103(a) as being unpatentable over Bouthors et al. (US Patent Publication No. 2003/0135737 and Bouthors hereinafter (cited from IDS)) in view of Dorricotts (US Patent Publication No.

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2003/0163540).

3. As to claims 1, 10 and 16, Bouthors teaches a method of applying a sender-specific mail policy, the method comprising: maintaining a list of computer system users and respective sender-specific mail policies associated with each of said computer system users (i.e., ...teaches a list of user [203, fig. 2] „,teaches sender specific policies [abstract, lines 1-5]), each of said sender-specific mail policies indicating at least one of how and whether a mail user message (i.e., ...teaches that the sender specific policy determines how to handle the message [abstract lines 1-5]), received from one of said computer system users, is to be further transmitted across a network [par. 38]); receiving a mail message intended for further transmission across the said network (i.e., ..teaches receiving a message to forward through the network [par. 38]), the said mail message indicating a sender thereof; determining whether said mail message contains a digital signature; attempting to verify the said digital signature in said mail message (i.e., ...teaches If the message received in step 201 includes a signature, the method passes to a step 206 of signature verification [par. 42]);

Application/Control Number: 10/568,451 Page 4 Art Unit: 2431 after said digital signature is verified, said mail message is determined to does contain a verified digital signature (i.e., ...teaches If the message received in step 201 includes a signature, the method passes to a step 206 of signature verification [par. 42 & 43]), and if after a user corresponding to the said verified digital signature is determined to correspond to said sender indicated in the said mail message (i.e., ...teaches Identifying the sender is

simply a matter of reading the sender's Internet address in the message received in step 201. Once this information has been obtained, the method proceeds to step 203, verification of the black list [par. 39]); applying to said mail message at least one of said an associated sender-specific mail policies associated with said user (i.e., ...teaches In step 211, the operator scans provider memory 117, and specifically line 117a, to find the identifier determined in step 202. With this, it can find a first list of rules 117b to apply to the message received in step 201 [par.48]); and after said mail message is not determined to contain digital signature (i.e., ...teaches The operator is able to determine whether a message includes a signature and/or a certificate [par. 47]), or is not determined to contain said verified digital signature corresponding to the said sender indicated in the said mail message (i.e., ...teaches if the signature is not valid, the method proceeds to step 215 [par. 43]), Bouthors teaches a method where if a digital signature is not correctly verified then control logic exists to further process the message. See Bouthor paragraph 40. Bouthors does not expressly teach applicant's claim limitation element of applying a default mail policy to said mail message, wherein: said default mail policy indicates at least one of how and whether a sent message, received from a sender omitted from said list of computer system users, is to be further transmitted across said network. However the Examiner contends that prior to applicant's original filing, that Dorricott disclosed message filtering techniques that provided the ability to apply an email filter (i.e., default email policy) to a email such that the contents of the messages are examined. The email filter will examine the content of the message for keywords. The keywords will be used determine the compliancy of the

message. See Dorricott paragraph 3. The Examiner notes that the applicant describes in paragraph 38 of their specification that a default email policy is a policy that looks for keywords in the message to render the compliance of the message. Therefore given Bouthors ability to apply email policies, a person with ordinary skill in the art would have recognized the advantage of modifying Bouthors to enhance email filtering with Dorricott's ability to further filter a email based on compliance criteria. With regards to applicant's claim limitation element of said default mail policy is more restrictive than each of said sender-specific mail policies, the Examiner contends that Dorricott filter rules are more restrictive than the email policies disclosed by Bouthors. See Dorricott paragraph 3. The filter rules examine the content of the message. The Examiner notes that the applicant discloses that a more restrictive policy is one that examines the message content for certain criteria. See applicant's paragraph 38. Therefore given Bouthors ability to apply email policies, a person with ordinary skill in the art would have recognized the advantage of modifying Bouthors to enhance policy restriction capability with Dorricott's ability to further filter a email based on compliance criteria.

4. As to claims 2 and 12, Bouthors a method where the step of applying at least one of said sender-specific mail policies comprises determining whether said mail message complies with said policy at least one of said sender-specific mail policies (i.e., ...teaches a sender specific policy [abstract, lines 1-5]...further teaches applying the applicable policy [211, fig. 2]); after determining said mail message does comply with said policy at least one of said sender-specific mail policies [212,213, fig. 2], allowing

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transmission of said mail message [213, fig. 2]; and after not determining said mail message complies with said policy at least one of said sender-specific mail policies [212, fig. 2], applying appropriate measures to said mail message [215, fig. 2].

5. As to claims 3 and 13, Bouthors teaches a method where if a digital signature is not correctly verified then control logic exists to further process the message. See Bouthor paragraph 40. Bouthors does not expressly teach applicant's claim limitation element of method where the step of applying said default mail policy to said mail message comprises determining whether said mail message complies with said default mail policy; The Examiner notes that the applicant describes in paragraph 38 of their specification that a default email policy is a policy that looks for keywords in the message to render the compliance of the message. In this regard Dorricott teaches applying a filter (e.g., policy/rule) that examines the content of the message for keywords to determine message compliancy. Combining the two teachings would render Bouthor capable of applying a rule to a message in which the rule requires examining the content of the message for keywords to determine compliancy. Therefore given Bouthors ability to apply email policies, a person with ordinary skill in the art would have recognized the advantage of modifying Bouthors to enhance policy restriction capability with Dorricott's ability to further filter an email based on compliance criteria. With regards to applicant's claim limitation element of after determining said mail message does comply with said default mail policy, allowing transmission of said mail message; and after not determining said mail message comply complies with said

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default mail policy, applying appropriate measures to said mail message. The Examiner contends that Dorricott discloses that upon compliance the message is sent, however if the message is non-compliant than the message is discarded. See paragraph 3 of Dorricott. Therefore given Bouthors ability to apply email policies, a person with ordinary skill in the art would have recognized the advantage of modifying Bouthors to enhance policy restriction capability with Dorricott's ability to further filter an email based on compliance criteria.

6. As to claims 4 and 14, Bouthors teaches applying applicable policy to message however Bouthors does not teach a method where said default mail policy is triggered by more criteria than each of said sender-specific mail policy policies. Again as indicated above the applicant has disclosed that the default policy merely examines the message for keywords to determine compliancy. The Examiner contends that Dorricott discloses message filtering techniques that allow for a more restrictive policy approach. The technique examines the message content and determines message compliance based on keywords. Therefore given Bouthors ability to apply email policies, a person with ordinary skill in the art would have recognized the advantage of modifying Bouthors to enhance policy restriction capability with Dorricott's ability to further filter an email based on compliance criteria.

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7. As to claims 5 and 15, Bouthors teaches applying applicable policy to message however Bouthors does not teach a method where the step of applying said default mail policy to said mail message comprises rejecting said mail message. The Examiner contends that Dorricott discloses that upon compliance the message is sent, however if the message is non-compliant than the message is discarded. See paragraph 3 of Dorricott. Therefore given Bouthors ability to apply email policies to a email, a person with ordinary skill in the art would have recognized the advantage of modifying Bouthors to enhance policy restriction capability with Dorricott's ability to further filter a email based on compliance criteria.

8. As to claim 6, Bouthors discloses a method comprising receiving the mail message in a boundary agent (e.g., server), the mail message being intended for further transmission over an external computer network (i.e., ...teaches One zone 115c Application/Control Number: 10/568,451 Page 9 Art Unit: 2431 enables server 104 to determine and apply the rules applicable to the messages received by server 104 [par. 29]).

9. 7. (Canceled)

10. 8. (Canceled)

11. 9. (Canceled)

12. 11. (Canceled)

***Response to Arguments***

***Examiner Remarks – 35 U.S.C. 101 – Claims 7 and 16***

The Examiner withdraws the rejection made under 35 U.S.C. 101 for claim 7 in view of claim cancellation. The Examiner maintains the previous rejection made under 35 U.S.C. 101 for claim 11. The Examiner notes that the MPEP specifically states that a computer program without the computer readable medium needed to realize the computer program's functionality is nonstatutory. See MPEP 2106.1 'Computer Related Nontstatutory Subject Matter'.

***Examiner Remarks – 35 U.S.C. 103(a) – Claims 1, 10 and 16***

Applicant argues:

"....Bouthers does not apply any default mail policy, let alone the one recited by Applicant's independent claims. To the contrary, Bouthers simply interrupts the transmission of the message and terminates all further processing of the message. Therefore, the Examiner's statement, on page 4 of the Office Action, that "Bouthers teaches a method where if a digital signature is not correctly verified then control logic exists to further process the message" is false. Rather than further process the message, Bouthers stops processing the message if a digital signature is not correctly verified. Despite falsely alleging that Bouthers' suggests "control logic" that is used for "further processing a message" "if a digital signature is not correctly verified" (Office Action, page 4) the Examiner

acknowledges that "Bouthers does not expressly teach applicant's claim limitation element of applying [Applicant's claimed] default mail policy" (Office Action, pages 4-5). To fill this void, the Examiner refers to paragraph [0003] of Dorricott, and asserts that "Dorricott disclosed message filtering techniques that provided the ability to apply an email filter (i.e., default email policy) to an email such that the contents of the messages are examined." Office Action, page 5. The (allegedly) relevant part of paragraph [0003] of Dorricott reads, "Filters are known to check e-mails for spam using several techniques including conventional filters, compliance checking and traffic anomaly detection. For example, filters include software that looks for key words (e.g. XXX, sex, etc.). When a keyword is found the e-mail message is rejected." As such, paragraph [0003] of Dorricott is merely summarizing message filtering by keywords. Nowhere does Dorricott suggest anything akin to Applicant's claimed "a default email policy" that is applied to outgoing messages"

The Examiner notes that applicant's claims do not explicitly recite ""a default email policy" that is applied to outgoing messages", as explicitly argued by the applicant. Specifically the Examiner notes that there is not explicit recital of "outgoing message". The Examiner contends that applicant's system receives a message and than applies a policy to the received message.

With regards to applicant's remarks pertaining to Bouthers, the Examiner notes that Bouther discloses a system for identifying if a signature is contained within a transmitted message. See Bouther's paragraph 42. The Examiner respectfully submits that in office action mailed on 12/17/2010, the Examiner noted that while Bouther's disclosed the concept of applying policy related data to transmitted messages, Bouther's teachings did not expressly recite "a default email policy" as defined by the applicant's specification paragraph 38. The Examiner notes that applicant's specification paragraph 38 disclosed that applicant's claimed "default email policy" is defined in the context of searching a message for a "keyword". In view of applicant's paragraph 38 teachings, the Examiner modified the teachings of Bouther with those of Dorricott. The Examiner respectfully contends that Dorricott disclosed examining email message for keywords. See Dorricott paragraph 3.

With regards to applicant's remark of "...Moreover, nowhere does Dorricott suggest a default email policy that is "more restrictive than each of the sender-specific mail policies" applied to outgoing messages, as recited by Applicant's independent Claims 1, 10 and 16", the Examiner contends that commonly known in the art, a simple email policy applied to transmitted messages would be one based on a sender/receiver identifier (e.g., address) where the sender/receiver address is used to perform routing or screening type processes relative to the message. Additionally the Examiner notes that this basic email policy usually examines the header information of the email packet. The Examiner notes that any type of email policy that actually examines the contents of a

message for “keywords” would be construed by those skilled in the art to be more restrictive or advanced. Accordingly the Examiner notes that the Bouther's teachings affords the ability to examine address related information for the purpose of routing the messages and subsequently modifying the teachings of Bouther with Dorricott affords the ability to more restrictively process message packet by examining for keywords.

Applicant argues:

“In summary, Bouthers and Dorricott, taken alone or in any proper combination, fail to show or otherwise suggest among other things, Applicant's claimed applying of a default mail policy to an outgoing mail message after the outgoing message is not determined to contain any digital signature or is not determined to contain a verified digital signature corresponding to the sender indicated in the outgoing mail message.”

Again the Examiner notes that applicant's claims do not explicitly recite ““a default email policy” that is applied to outgoing messages”, as explicitly argued by the applicant. Specifically the Examiner notes that there is not explicit recital of “outgoing message”. The Examiner contends that applicant's system receives a message and than determines if the message contains a signature.

Applicant argues:

'Moreover, both Bouthers and Dorricott, taken alone or in any proper combination, fail to suggest Applicant's claimed default email policy (i.e., that indicates at least one of how and whether a mail message, received from a sender omitted from a list of users, is to be further transmitted and that is also more restrictive than each of said sender-specific mail policies).

The Examiner contends in response to the above applicant's argument that the features upon which applicant relies of (i.e., that indicates at least one of how and whether a mail message, received from a sender omitted from a list of users, is to be further transmitted and that is also more restrictive than each of said sender-specific mail policies)) for alleging deficiency on the part of the cited prior art of Bouthers in view of Dorricott are not recited in the rejected claim(s). Additionally the Examiner notes specifically that Dorricott discloses examining email message for keywords. See Dorricott paragraph 3.

***Examiner Remarks – 35 U.S.C. 103(a) – Claims 2-9 and 12-15***

The Examiner notes that applicant's remarks pertaining to independent claims 1, 10 and 16 are not persuasive, and therefore dependent claims 2-9 and 12-15 stand rejected under 35 U.S.C. 103(a), Bouthers in view of Dorricott.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRYAN WRIGHT whose telephone number is (571)270-3826. The examiner can normally be reached on 8:30 am - 5:30 pm Monday -Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Flynn Nathan can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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